

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12179 of Lawrence W. Harry, et.al., pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the use provisions (Section 3102) to permit storage of construction materials incidental to a construction site on a lot other than where the material will be stored in the R-2 District at the premises 4230 Ellicott Street, and 4215 Davenport Street, N.W., (Square 1672, Lots 804 and 806).

HEARING DATE: June 22, 1976

DECISION DATE: June 25, 1976

FINDINGS OF FACT:

1. The property is located in an R-2 District.
2. The property has been leased to Morrison-Knudsen and Associates which seeks to use the property for temporary storage of steel, timber, small piping, reinforcing steel and other miscellaneous construction material during the construction operations for the Washington Metropolitan Area Transit Authority's Section A9a, Rockville Route.
3. Applicant seeks to use the lot until January 1, 1978.
4. The subject lots are situated directly behind and diagonally across from the METRO construction site at 4852 42nd Street, N.W.
5. The entrance for delivering material to the site is from a 20 foot alleyway, south of Ellicott Street.
6. There is one improved adjacent property, that lying to the west at 4228 Ellicott Street, N.W., The three adjacent sides to the north, south and east have no improved property abutting it and the area is surrounded by trees and under growth which conceals the storage area.

7. There is no other available land within a reasonable distance of the construction site which is zoned to permit the use requested.
8. The owner of the improved property at 4228 Ellicott Street, N.W. has opposed the use variance on the grounds of noise at all hours of the day and night; excessive dust and dirt and destruction of vegetation.
9. The Friendship Neighborhood Coalition has indicated a support of the application with the following conditions:
 1. The storage area shall be surrounded on all sides by an 8-foot fence. All entrances to the area shall be padlocked.
 2. Only materials - and no vehicles or equipment - shall be stored in the area.
 3. There shall be no lights in the area. Work within it or movement in or out of it shall take place only in daytime.
 4. Access to the storage lot shall be from Davenport Street only, except that the alley near Ellicott Street may be used for transfer of material to the construction site or other access to this site.

CONCLUSIONS OF LAW:

The Board concludes that if the requested use variance were not granted, the applicant, the specific neighborhood and the community as a whole would suffer a hardship. The requirement that another site be found more distant from the construction site would cause additional time and money delays to the applicant and would directly impact the neighborhood by increasing the amount of noise and congestion on the area's streets to bring building material and equipment to and from the site. The community as a whole would suffer from any further delays in construction and completion of the Metro system, which is a regional undertaking and will have area wide effects.

The Board notes that the constractor has taken positive steps to avoid significant long-term adverse effects to the area. The Board consludes that while some negative effects may be unavoidable, such minor effects must be shouldered by the neibhborhood to serve the overall general welfare of the community. The Board further concludes that the temporary nature of the use even further limits the possible negative effect which may occur. The Board concludes that it would be in the best interest of all that the contractor be allowed to finish his operations as quickly as possible. Accordingly, it is ORDERED that the application is GRANTED subject to the following CONDITIONS:

1. Approval shall be only until January 1, 1978.
2. The storage area shall be surrounded on all sides by an 8 foot fence. All entrances to the area shall be pad-locked.
3. Only materials - and no vehicles or equipment - shall be stored in the area.
4. There shall be no permanent light structure or lightpole in the area. Work within the site or movement in or out of it shall take place only between 6:00 a.m. and 9:00 p.m.
5. Access to the storage lot shall be from Davenport Street only, except that the alley near Ellicott Street may be used for transfer of materials to the construction site or other access to the site.
6. The contractor shall wash the street and alley surrounding the site at least once a week.
7. The contractor shall maintain a 24 hour security patrol at the premises operating on a random basis.

VOTE: 3-0 (William F. McIntosh, Ruby B. McZier, Esq. and William S. Harps to GRANT; Lilla Burt Cummings expressing her preference for one (1) year approval; Leonard L. McCants, Esq. not voting, not having heard the case).

BY ORDER OR THE BOARD OF ZONING ADJUSTMENT, D.C.

BZA ORDER NO.

12179

PAGE 4

ATTESTED BY:



ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER:

2-15-77

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND /OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.